

U.S. Serial No. 10/774,907
Amendment Dated November 23, 2005
Response To Office Action Dated July 25, 2005

REMARKS

The pending application was filed on February 9, 2004 with claims 1-20. The Examiner issued a Non-Final Office Action dated July 25, 2005 rejecting claims 1-7 and indicating that claims 8-20 had been withdrawn. In particular, the Examiner rejected claims 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,976,444 to *Richards* and rejected claims 1-3 and 5-7 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,975,844 to *Milazar*.

Claims 1-7 are pending in the patent application, and claims 8-20 have been withdrawn. Claims 2 and 5 have been canceled without prejudice, and claims 1, 3, 4, 6, and 7 have been amended. Claims 1, 3, 4, 6, and 7 remain pending in the application. In view of the arguments set forth below, claims 1, 3, 4, 6, and 7 are allowable, and the Examiner is respectfully requested to withdraw the rejections and issue a Notice of Allowance.

I. REJECTION UNDER 35 U.S.C. §112

The Examiner rejected claims 5 and 6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. In particular, the Examiner queried whether the phrase "at least one tooth" in claim 5 referred to the same tooth in claim 1. The Examiner concluded

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that for examination purposes the "at least one tooth" mentioned in claim 5, line 1 is the same tooth claimed in claim 2. The Examiner also stated that the phrase "an intersection" in claim 6 should be changed to "the intersection."

Claim 5 has been canceled without prejudice. Claim 6 has been amended to further limit the at least one first tooth and the at least one second tooth that are recited in amended claim 1. In addition, claim 6 has been amended as requested. Thus, the Examiner is respectfully requested to withdraw the rejection.

II. REJECTION OF CLAIMS 1-5 AND 7 UNDER 35 U.S.C. §102(e)

The Examiner rejected claims 1-5 and 7 under 35 U.S.C. §102(b) as being anticipated, and therefore unpatentable, in view of United States Patent No. 4,976,444 to *Richards*. The Examiner stated that *Richards* discloses a seal usable between two thermally movable components. The Examiner stated that *Richards* further discloses a seal comprising a body having a longitudinal axis and the body having a cross-section orthogonal to the longitudinal axis that has a first side, a second side generally opposite to the first side, a first end, and a second end generally opposite to the first end. The Examiner also stated that *Richards* discloses that the first end of the body is formed from a compliant material.

Claim 1 has been amended to state in relevant part "wherein the compliant material includes at least one first tooth extending from a region on the first end proximate to an intersection between the first end and the first side and extending toward the second side of

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the body and at least one second tooth extending from a region on the first end proximate to an intersection between the first end and the second side and extending toward the first side of the body" (emphasis added). In contrast, *Richards* discloses a seal having a plurality of teeth extending from an end of the seal generally away from the body of the seal. *Richards* does not disclose a first tooth extending from a corner formed by the first side of the body and a second tooth extending from a corner formed by the second side of the body, wherein the first tooth extends toward the second side of the body and the second tooth extends toward the first side of the body. In other words, *Richards* does not disclose teeth that extend from an end of a seal body and extend generally toward each other. Thus, for at least this reason, *Richards* does not anticipate amended claim 1 or those claims that depend therefrom. Therefore, the Examiner is respectfully requested to withdraw the rejection.

III. REJECTION OF CLAIMS 1-3 AND 5-7 UNDER 35 U.S.C. §102(b)

The Examiner rejected claims 1-3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,975,844 to *Milazar*. The Examiner stated that *Milazar* discloses a seal usable between two thermally movable components. The Examiner stated that *Milazar* further discloses a seal comprising a body having a longitudinal axis and the body having a cross-section orthogonal to the longitudinal axis that has a first side, a second side generally opposite to the first side, a first end, and a second end generally opposite to the first end. The Examiner also stated that *Milazar* discloses that the first end of the body is formed from a compliant material.

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Claim 1 has been amended to state in relevant part "wherein the first and second sides have lengths longer than lengths of the first and second ends" The amendment places the compliant material on a first end that is shorter than the first and second sides. In contrast, the Examiner's interpretation of *Milazar* is that the compliant material is positioned on the first end. However, the first end of *Milazar* is longer than the first and second sides of the body of *Milazar*. Thus, *Milazar* does not anticipate amended claim 1.

Claim 1 has also been amended to state in relevant part "wherein the compliant material includes at least one first tooth extending from a region on the first end proximate to an intersection between the first end and the first side and extending toward the second side of the body of the seal and at least one second tooth extending from a region on the first end proximate to an intersection between the first end and the second side and extending toward the first side of the body of the seal" (emphasis added). In contrast, *Milazar* discloses a plurality of teeth extending from a first side of a seal body, not teeth extending from a first end of a seal body that is shorter than the first and second sides of the seal body, as claimed in amended claim 1. Therefore, for at least these reasons, amended claim 1 is not anticipated by *Milazar*, and the Examiner is respectfully requested to withdraw the rejection.

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IV. PETITION FOR ONE MONTH EXTENSION OF TIME

This is a Petition for a One Month Extension of Time pursuant to 37 CFR § 1.136.

Please charge the fee in the amount of \$120.00 for a one (1) month extension of time pursuant to 37 CFR § 1.17(a)(1) and charge any underpayment or credit any overpayment to Deposit Account No. 50-0951. A duplicate copy of this communication is enclosed.

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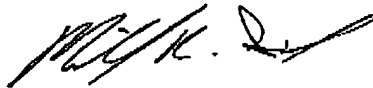
CONCLUSION

For at least the reasons given above, claims 1, 3, 4, 6, and 7 define patentable subject matter and are thus allowable. The undersigned representative thanks the Examiner for examining this application.

Should the Examiner believe that anything further is necessary in order to place the application in better condition for allowance, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

No fees, in addition to the extension of time, are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0951.

Respectfully submitted,



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